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SCOTT A. COBEN & ASSOCIATES
Scott A. CoBen - State Bar No. 155160
1214 F Street
Sacramento, California 95814
Telephone: (916) 492-9010
Facsimile: (916) 492-9022

Attorneys for Debtors, JOHN FLETCHER and TAMMIE FLETCHER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re: Case No. 10-39930-A-7

JOHN FLETCHER and
TAMMIE FLETCHER,

Debtors.

DCN: SAC-01
DATE: September 7, 2010
TIME: 9:00 a.m.
CTRM: 28
JUDGE: McManus

**MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF MOTION FOR ORDER COMPELLING TRUSTEE TO ABANDON PROPERTY
OF THE ESTATE; DECLARATION OF COUNSEL IN SUPPORT THEREOF**

Debtors hereby move the Court pursuant to 11 U.S.C. Section 554(b) for an order compelling the Trustee to abandon Debtors business, Tammie's Tots, on the basis that said property has no unprotected equity and is therefore of inconsequential value and benefit to the estate.

I.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

1 On July 28, 2010, the above captioned proceedings were filed. Debtors operate a sole
2 proprietorship known as Tammie's Tots, which has a fair market value of \$0.00 (Exhibit A -
3 Schedule B.) Because the business has no cash value, especially when the court includes the
4 exemptions that apply (Exhibit B - Schedule C), there is no equity in the subject business.

5 **II.**

6 **BECAUSE THERE IS NO EQUITY IN THE PROPERTY, THE COURT**
7 **SHOULD ORDER THE TRUSTEE TO ABANDON THE PROPERTY**

8 11 U.S.C. Section 554(b) provides as follows:

9 On request of a party in interest an after notice and a hearing, the court may order the
10 trustee to abandon any property of the estate that is burdensome to the estate or that is
of inconsequential value and benefit to the estate.

11 As set forth above, the subject business has no equity and is therefore of no value to the
12 estate. Since the subject business is of no value to the estate, the Court should order the
13 Trustee to abandon the property.

14 **III.**

15 **CONCLUSION**

16 WHEREFORE, Debtors respectfully request this Court grant this motion and order the
17 Trustee to abandon Debtors business known as Tammie's Tots.

18
19 Respectfully submitted,

20 DATE: August 9, 2010

SCOTT A. COBEN & ASSOCIATES

21 BY: /s/ Scott A. CoBen
22 SCOTT A. COBEN
23 Attorneys for Debtors
John & Tammie Fletcher